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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re:) BANKRUPTCY CASE NO.: 10-71788
)
Jesus Edgar Montano,) Chapter 7
)
Debtor) ADVERSARY CASE NO.: 11-04008 WJL
)
) DEFENDANT'S MOTION FOR ASSIGNMENT
) OF RIGHTS PURSUANT TO CCP§708.510(a)
HERITAGE PACIFIC FINANCIAL, LLC, a) AND FRCP 69(a)
Texas Limited Liability Company)
Plaintiff,)
)
v.) Hearing time: 10.30 a.m.
) Hearing date: June 12, 2013
JESUS EDGAR MONTANO,) Hearing Place: Room 220, 1300 Clay Street,
) Oakland, California, 94612
Defendant.)
)

MOTION

Pursuant to FRCP 69(a), made relevant herein by Bankr. R. 7069, and California Code of Civil Procedure §708.510(a), Judgment Creditor/Defendant Jesus Montano moves the Court, for purposes of enforcement of the judgment in his favor rendered in the above-entitled action dated January 25, 2013 in the amount of \$70, 867.31 as follows:

Defendant Jesus Montano's Motion for Order of Assignment

1 1. For the issuance of an order for assignment of rights, accounts, accounts
2 receivables, rights to payment of money, and general intangibles owed and in favor
3 of HERITAGE PACIFIC FINANCIAL, LLC due from the following financial
4 institutions:
5

6 a) Capital One, National Association, 1860 Capital One Drive, McClean, VA
7 22102;

8 b) J.P. Morgan Chase Bank, 2780 Lake Vista Drive, Lewisville, TX 75067;

9 c) HSBC, One HSBC Center, 27th Floor, Buffalo, NY 14203.

10 2. For an issuance of an order for assignment of rights, accounts, accounts
11 receivables, rights to payment of money, and general intangibles owed and in favor
12 of HERITAGE FINANCIAL, LLC due from the following automated payment
13 processor:
14

15 a) First ACH, 9693 Gerwig Lane Suite A, Columbia, MD, 21146 USA

16 3. For an issuance of an order for assignment of rights, accounts, accounts
17 receivables, rights to payment of money, and general intangibles owed and in favor
18 of HERITAGE FINANCIAL, LLC due from the following United States Trustees
19 administering Chapter 13 bankruptcies in the bankruptcy districts of Central
20 California, Eastern California, Northern California, South California, Southern
21 Florida, Middle Florida, Arizona, and Nevada. The order will cover the following
22 trustees of the United States bankruptcy courts:
23

24 CENTRAL DISTRICT OF CALIFORNIA

25 Amrane Cohen, 770 The City Drive South, Suite 8500, Orange, CA 92868

26 Nancy K. Curry, 700 S. Flower Street, Suite 1215, Los Angeles, CA 90017

27 Rodney A Danielson, 3787 University Avenue, Riverside, CA 92501

28 Kathy Anderson Dockery, 700 S. Flower Street, Suite 1950, Los Angeles, CA 90017

 Elizabeth F. Rojas, 15060 Ventura Blvd, Suite 240, Sherman Oaks, CA 91403

Defendant Jesus Montano's Motion for Order of Assignment

1 EASTERN DISTRICT OF CALIFORNIA

2 David P. Cusick, P.O. Box 1858, Sacramento, CA 95812

3 Russell D. Greer, P.O. Box 3051, Modesto, CA 95353-3051

4 Jan P. Johnson, P.O. Box 1708, Sacramento, CA 95812

5 Michael Meyer, 7550 N. Palm Avenue, Suite 204, Fresno, CA 93711

6 NORTHERN DISTRICT OF CALIFORNIA

7 Martha G. Bronitsky, P.O. Box 9077, Pleasanton, CA 94566

8 David E. Burchard, P.O. Box 8059, Foster City, CA 94404

9 Devin Derham-Burk, P.O. Box 50013, San Jose, CA 95150-0013

10 SOUTHERN DISTRICT OF CALIFORNIA

11 Thomas H. Billingslea, Jr., 530 "B" Street, Suite 1500, San Diego, CA 92101-4499

12 David L. Skelton, 525 B Street, Suite 1430, San Diego, CA 92101

13 THE DISTRICT OF ARIZONA

14 Russell A. Brown, 3838 N. Central Avenue #800, Phoenix, AZ 85012-1965

15 Dianne C. Kerns, 7320 N. La Cholla #154, Tucson, AZ 85471

16 Edward J. Maney, 101 North First Avenue, Suite 1775, Phoenix, AZ 85003

17 SOUTHERN DISTRICT OF FLORIDA

18 Nancy K. Neidich, P.O. Box 279806, Miramar, FL 33027-4452

19 Robin R. Wiener, P.O. Box 559007, Fort Lauderdale, FL 33355-9007

20 MIDDLE DISTRICT OF FLORIDA

21 Douglas W. Neway, 200 West Forsyth, Suite 1520, Jacksonville, FL 32202

22 Terry E Smith, 3046 E. College Ave, Ruskin, FL 33570

23 Jon M. Waage, P.O. Box 25001, Bradenton, FL 34206-5001

24 Laurie K. Weatherford, P.O. Box 3450, Winter Park, FL 32790

25 DISTRICT OF NEVADA

26 Kathleen A. Leavitt, 201 Las Vegas Boulevard So., Las Vegas, NV 89101

27 William A. Van Meter, 1225 Westfield Avenue, Suite 8, Reno, NV 89501

28 Rick A Yarnall, 701 Bridger Avenue, Suite 820, Las Vegas, NV 89101

4. For the issuance of an order for assignment of rights, accounts, accounts receivables, rights to payment of money, and general intangibles owed and in favor of HERITAGE PACIFIC FINANCIAL, LLC due from its attorneys:
- a) Brad Mokri, LAW OFFICE OF MOKRI & ASSOCIATES, 1851 E. First Street, Suite 900, Santa Ana, CA 92705

Defendant Jesus Montano's Motion for Order of Assignment

- 1 b) Jennifer Hupe Harris, LAW OFFICE OF MOKRI & ASSOCIATES, 1851 E. First
2 Street, Suite 900, Santa Ana, CA 92705
- 3 c) Michael J. Davidson, GORDON & REES, LLC, 3770 Howard Hughes Parkway,
4 Suite 100, Las Vegas, NV 89169
- 5 d) Ethan Featherstone, FEATHERSTONE & HEGJI, 7465 W. Lake Mead Blvd, Ste 100,
6 Las Vegas, NV 89128
- 7 e) Justin Timothy Ryan, LAW OFFICES OF JUSTIN T. RYAN, 2534 State St. #404,
8 San Diego, CA 92101
- 9 f) Aree Shahparnia, 8895 Towne Center Dr #105-195, San Diego, CA 92122

10 5. For the issuance of an order for assignment of rights, accounts, accounts
11 receivables, rights to payment of money, and general intangibles that were owed and
12 in favor of HERITAGE PACIFIC FINANCIAL, LLC due from the following
13 settling defendant-debtors and/or judgment-debtors in the respective cases named
14 below. This order covers those monies which flow to Heritage and its assignees, if
15 any, from these settlement agreements.

16
17 A) U.S. BANKRUPTCY COURT--CENTRAL DISTRICT OF CALIFORNIA

- 18 a) ABRAHAM, Noel Dawit, defendant in *Heritage Pacific Financial, LLC v.*
19 *Abraham*, Case No. 2:10-AP-02773, Bankr. C.D. California;
- 20 b) MORALES, Melissa Nellie, defendant in *Heritage Pacific Financial, LLC v.*
21 *Morales*, Case No. 6:11-AP-01028, Bankr. C.D. California;
- 22 c) GUERRERO, Eduardo, defendant in *Heritage Pacific Financial, LLC v.*
23 *Guerrero*, Case No. 2:11-AP-01223, Bankr. C.D. California;
- 24 d) SANTIZO, Omar, defendant in *Heritage Pacific Financial, LLC v. Santizo*, Case
25 No. 6:10-AP-01525, Bankr. C.D. California;
- 26 e) ARANA, Josefina, defendant in *Heritage Pacific Financial, LLC v. Arana*, Case
27 No. 6:10-AP-01575, Bankr. C.D. California;

28 Defendant Jesus Montano's Motion for Order of Assignment

- 1 f) ALVAREZ, Alfredo, defendant in *Heritage Pacific Financial, LLC v. Alvarez*,
2 Case No., 8:10-AP-01575, Bankr. C.D. California;
- 3 g) PINEDA, Joel R., defendant in *Heritage Pacific Financial, LLC v. Pineda*, Case
4 No. 6:10-AP-01513, Bankr. C.D. California;
- 5 h) LEMUS, Yolande F., defendant in *Heritage Pacific Financial, LLC v. Lemus*,
6 Case No. 6:10-AP-01092, Bankr. C.D. California;
- 7 i) OROZCO, Rosalba Patricia, defendant in *Heritage Pacific Financial, LLC v.*
8 *Orozco*, Case No. 6:10-AP-01599, Bankr. C.D. California;
- 9 j) VALADEZ, Rafael Razo, defendant in *Heritage Pacific Financial, LLC v.*
10 *Valadez*, Case No. 9:10-AP-01282, Bankr. C.D. California;
- 11 k) BIRCH, Danielle, defendant in *Heritage Pacific Financial, LLC v. Birch*, Case
12 No. 8:10-AP-01480, Bankr. C.D. California;
- 13 l) SANOSYAN, Vahram, defendant in *Heritage Pacific Financial, LLC v.*
14 *Sanosyan*, Case No. 2:10-AP-03182, Bankr. C.D. California;
- 15 m) GONZALEZ, Maria, defendant in *Heritage Pacific Financial, LLC v. Gonzalez*,
16 Case No. 9:10-AP-01313, Bankr. C.D. California;
- 17 n) MARQUEZ, Michael C., defendant in *Heritage Pacific Financial, LLC v.*
18 *Marquez*, Case No. 9:11-AP-01042, Bankr. C.D. California;
- 19 o) MEDINA, Miguel A, defendant in *Heritage Pacific Financial, LLC v. Medina*,
20 Case No. 9:11-AP-01085, Bankr. C.D. California;
- 21 p) VALENCIA, Jose Alfredo, defendant in *Heritage Pacific Financial, LLC v.*
22 *Valencia*, Case No. 8:11-AP-01047, Bankr. C.D. California;
- 23 q) PALACIO, Rodulfo, defendant in *Heritage Pacific Financial, LLC v. Palacio*,
24 Case No. 8:11-AP-01022, Bankr. C.D. California;
- 25 r) PETERS, Walter, defendant in *Heritage Pacific Financial, LLC v. Peters*, Case
26 No. 2:11-AP-02290, Bankr. C.D. California;
- 27 s) ESPINO, Servando, defendant in *Heritage Pacific Financial, LLC v. Espino*,
28 Case No. 8:10-AP-01553, Bankr. C.D. California;
- t) WILLIAMS, Marcus, defendant in *Heritage Pacific Financial, LLC v. Williams*,
Case No. 6:11-AP-01119, Bankr. C.D. California;

Defendant Jesus Montano's Motion for Order of Assignment

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- 2 u) CERVANTES, Albert, defendant in *Heritage Pacific Financial, LLC v.*
3 *Cervantes*, Case No. 2:11-AP-01733, Bankr. C.D. California;
- 4 v) RAMIREZ, Vivanco, defendant in *Heritage Pacific Financial, LLC v. Ramirez*,
5 Case No. 2:11-AP-01150, Bankr. C.D. California;
- 6 w) RAMIREZ, Michael David, Sr and Sylvia Elaine., defendants in *Heritage*
7 *Pacific Financial, LLC v. Ramirez*, Case No. 6:11-AP-01545, Bankr. C.D.
8 California;
- 9 x) ATUNEZ, Juan A., defendant in *Heritage Pacific Financial, LLC v. Atunez*,
10 Case No. 6:11-AP-01569, Bankr. C.D. California;
- 11 y) MARQUEZ, Fernando, defendant in *Heritage Pacific Financial, LLC v.*
12 *Marquez*, Case No. 2:11-AP-02502, Bankr. C.D. California;
- 13 z) DRISCOLL, Robert Edward Jr., defendant in *Heritage Pacific Financial, LLC v.*
14 *Driscoll*, Case No. 2:11-AP-02333, Bankr. C.D. California;
- 15 aa) MABSON, Duane, defendant in *Heritage Pacific Financial, LLC v. Mabson*,
16 Case No. 2:10-AP-02445, Bankr. C.D. California;
- 17 bb) ORTIZ, Rosa Maria, defendant in *Heritage Pacific Financial, LLC v. Ortiz*, Case
18 No. 8:11-AP-01018, Bankr. C.D. California;
- 19 cc) LAO, Peter, defendant in *Heritage Pacific Financial, LLC v. Lao*, Case No.
20 2:11-AP-01335, Bankr. C.D. California;
- 21 dd) FUENTEZ, Deanna Marie, defendant in *Heritage Pacific Financial, LLC v.*
22 *Fuentez*, Case No. 6:10-AP-01750, Bankr. C.D. California;
- 23 ee) AQUINO, Darwin Camerino, defendant in *Heritage Pacific Financial, LLC v.*
24 *Aquino*, Case No. 1:11-AP-01268, Bankr. C.D. California;
- 25 ff) VITAL, Jaime, defendant in *Heritage Pacific Financial, LLC v. Vital*, Case No.
26 6:11-AP-01694, Bankr. C.D. California;
- 27 gg) EDWARDS, Kenneth R., defendant in *Heritage Pacific Financial, LLC v.*
28 *Edwards*, Case No. 6:10-AP-01733, Bankr. C.D. California;
- hh) HERNANDEZ DE CAMPOS, Dora, defendant in *Heritage Pacific Financial,*
LLC v. Hernandez de Campos, Case No. 2:11-AP-01579, Bankr. C.D.
California;

Defendant Jesus Montano's Motion for Order of Assignment

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2 ii) RAMIREZ, Ramona Lilia, defendant in *Heritage Pacific Financial, LLC v. Ramirez*, Case No. 2:11-AP-02565, Bankr. C.D. California;
3
4 jj) TOVMASSIAN, Gary, defendant in *Heritage Pacific Financial, LLC v. Tovmassian*, Case No. 2:11-AP-01972, Bankr. C.D. California;
5
6 kk) SIERRA, Manuel and Maria Lilia, defendants in *Heritage Pacific Financial, LLC v. Sierra*, Case No. 2:11-AP-01018, Bankr. C.D. California;
7
8 ll) MARQUEZ, Sergio, defendant in *Heritage Pacific Financial, LLC v. Marquez*, Case No. 6:11-AP-01069, Bankr. C.D. California;
9
10 mm) SALGUERO, Mario Rolando, defendant in *Heritage Pacific Financial, LLC v. Salguero*, Case No. 2:11-AP-02100, Bankr. C.D. California;
11
12 nn) NSAHLAI, Emmanuel, defendant in *Heritage Pacific Financial, LLC v. Nsahlai*, Case No. 2:11-AP-02983, Bankr. C.D. California;
13
14 oo) TALAVERA, Elpidio, defendant in *Heritage Pacific Financial, LLC v. Talavera*, Case No. 6:11-AP-01910, Bankr. C.D. California;
15
16 pp) VALENCIA, Hector G., defendant in *Heritage Pacific Financial, LLC v. Valencia*, Case No. 2:11-AP-02630, Bankr. C.D. California;
17
18 qq) WADE, Mikki, defendant in *Heritage Pacific Financial, LLC v. Wade*, Case No. 2:11-AP-02844, Bankr. C.D. California;
19
20 rr) MEDRANO, Ottoniel, defendant in *Heritage Pacific Financial, LLC v. Medrano*, Case No. 2:10-AP-03142, Bankr. C.D. California;
21
22 ss) ROBES, Flora, defendant in *Heritage Pacific Financial, LLC v. Robes*, Case No. 2:11-AP-02375, Bankr. C.D. California;
23
24 tt) VEGA, Felipe De Jesus, defendant in *Heritage Pacific Financial, LLC v. Vega*, Case No. 1:10-AP-01101, Bankr. C.D. California;
25
26 uu) GONZALEZ-GUZMAN, Ivan, defendant in *Heritage Pacific Financial, LLC v. Medina*, Case No. 8:10-AP-01449, Bankr. C.D. California.

27
28 B) U.S. BANKRUPTCY COURT—EASTERN DISTRICT OF CALIFORNIA

Defendant Jesus Montano's Motion for Order of Assignment

- 1 a) WILSON, Rick James, defendant in *Heritage Pacific Financial, LLC v. Wilson*,
2 Case No. 10-01291, Bankr. E.D. California;
- 3 b) PHILLIPS, Steven, defendant in *Heritage Pacific Financial, LLC v. Phillips*,
4 Case No. 10-01308, Bankr. E.D. California;
- 5 c) GONZALEZ, Yasmin, defendant in *Heritage Pacific Financial, LLC v.*
6 *Gonzalez*, Case No. 11-02088, Bankr. E.D. California;
- 7 d) VICENTE, Angelina, defendant in *Heritage Pacific Financial, LLC v. Vicente*,
8 Case No. 11-02016, Bankr. E.D. California;
- 9 e) ADAMS, Jeffery P., defendant in *Heritage Pacific Financial, LLC v. Adams*,
10 Case No. 11-02127, Bankr. E.D. California;
- 11 f) TORELL, Michael Andrew, defendant in *Heritage Pacific Financial, LLC v.*
12 *Torrell*, Case No. 11-01080, Bankr. E.D. California;
- 13 g) GARCIA, Adriana, defendant in *Heritage Pacific Financial, LLC v. Garcia*,
14 Case No. 10-02766, Bankr. E.D. California;
- 15 h) BEELARD, Jessica and Eric, defendants in *Heritage Pacific Financial, LLC v.*
16 *Beelard*, Case No. 10-02798, Bankr. E.D. California;
- 17 i) RAMOS, Samuel, defendant in *Heritage Pacific Financial, LLC v. Ramos*, Case
18 No. 10-09066, Bankr. E.D. California;
- 19 j) MORENO, Victor, defendant in *Heritage Pacific Financial, LLC v. Moreno*,
20 Case No. 11-01113, Bankr. E.D. California;
- 21 k) COUNTOURIOTIS, George Edward, defendant in *Heritage Pacific Financial,*
22 *LLC v. Countouriotis*, Case No. 10-02744, Bankr. E.D. California;
- 23 l) MARTINEZ, Gerardo and Martha, defendants in *Heritage Pacific Financial, LLC*
24 *v. Martinez*, Case No. 11-01198, Bankr. E.D. California;
- 25 m) JEFFORD, Nadine Ann, defendant in *Heritage Pacific Financial, LLC v.*
26 *Jefford*, Case No. 11-02246, Bankr. E.D. California;
- 27 n) JIMENEZ, Roger Avila, defendant in *Heritage Pacific Financial, LLC v.*
28 *Jimenez*, Case No. 10-02525, Bankr. E.D. California;
- o) ROMO, Anisha, defendant in *Heritage Pacific Financial, LLC v. Romo*, Case
No. 11-02621, Bankr. E.D. California.

Defendant Jesus Montano's Motion for Order of Assignment

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2 C) U.S. BANKRUPTCY—NORTHERN DISTRICT OF CALIFORNIA

- 3 a) VIVAS, Oscar, Jr., defendant in *Heritage Pacific Financial, LLC v. Vivas*, Case
4 No. 10-03172, Bankr. N.D. California;
- 5 b) LOPEZ, Brenda, defendant in *Heritage Pacific Financial, LLC v. Lopez*, Case
6 No. 10-05338, Bankr. N.D. California;
- 7 c) MALDIA, Kim, defendant in *Heritage Pacific Financial, LLC v. Maldia*, Case
8 No. 11-05013, Bankr. N.D. California;
- 9 d) ROMAN, Ana Laura, defendant in *Heritage Pacific Financial, LLC v. Roman*,
Case No. 11-05134, Bankr. N.D. California.

10 D) U.S. BANKRUPTCY COURT—Southern District of California

- 11 a) JORDAN, Verena, defendant in *Heritage Pacific Financial, LLC v. Jordan*, Case
12 No. 11-90051, Bankr. S.D. California;
- 13 b) PROO, Barbara, defendant in *Heritage Pacific Financial, LLC v. Proo*, Case No.
14 11-90029, Bankr. S.D. California;
- 15 c) LUND, James Thomas, defendant in *Heritage Pacific Financial, LLC v. Lund*,
16 Case No. 11-90399, Bankr. S.D. California;
- 17 d) DEKOEKKOEK, Laurens, defendant in *Heritage Pacific Financial, LLC v.*
18 *Dekoekkoek*, Case No. 11-90491, Bankr. S.D. California;
- 19 e) CONTRERAS, Maria Isabel, defendant in *Heritage Pacific Financial, LLC v.*
20 *Contreras*, Case No. 11-90046, Bankr. S.D. California.

21 E) U.S. BANKRUPTCY COURT—District of Nevada

- 22 a) HANNA, Ann Mary, defendant in *Heritage Pacific Financial, LLC v. Hanna*,
Adversary Proceeding No. 10-01423-9005, Bankr. D. Nevada;
- 23 b) SPARTACUS, Susan, defendant in *Heritage Pacific Financial, LLC v.*
24 *Spartacus*, Adversary Proceeding No. 11-01145, Bankr. D. Nevada;
- 25 c) QUINTO, Marietta, defendant in *Heritage Pacific Financial, LLC v. Quinto*,
26 Adversary Proceeding No. 11-01094, Bankr. D. Nevada.

27
28 Defendant Jesus Montano's Motion for Order of Assignment

1 6. For an order compelling the assignment of all of the monies due Heritage from the
2 various U.S. Trustees named above, the attorneys representing Heritage in its
3 multiple suits, and from the settlement agreements and judgments obtained by
4 Heritage in the dischargeability actions brought in federal bankruptcy court, and that
5 the payments otherwise due Heritage shall be paid to and on behalf of Defendant, by
6 a check, draft, money order or wire transfer, payable to the order of LINCOLN
7 LAW, attorneys for Jesus Edgar Montano in the above-entitled action, that such
8 funds be forwarded to Carl R. Gustafson, LINCOLN LAW, LLP, 1525 Contra Costa
9 Blvd, Pleasant Hill, 94523, CA until the total of the judgment in the above-entitled
10 action be paid in full herein.
11

12 The basis of this motion is that Heritage is being paid funds through Chapter 13 plans by
13 the United States Trustees for the Bankruptcy Courts of multiple districts. Defendant Montano
14 also bases this motion on the existence of multiple settlement agreements between Heritage and
15 debtors from which agreements Heritage is owed monthly payments extending out for as long
16 as 120 months from the date of entry of the stipulated judgment, and which payments are
17 processed by First ACH, and deposited into Capital One, HSBC and Chase Bank. Heritage has
18 also obtained default judgments in several of its dischargeability actions. In the event that
19 Heritage receives any monies from those judgments, Montano requests those funds be assigned
20 to him until the satisfaction of the judgments. In as much as the attorneys for Heritage are the
21 recipient of funds which are intended for Heritage, the order affects Heritage's attorneys of
22 record in the dischargeability actions.
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Defendant Jesus Montano's Motion for Order of Assignment

This motion is based upon the Notice, the Memorandum of Points and Authorities filed in connection therewith, upon all pleadings, papers and other matters on file herein, and all matters which this court may take judicial notice hereof.

DATED: May 13, 2013

Respectfully Submitted,

/s/ Tessa Meyer Santiago
Tessa Meyer Santiago
Attorney for Defendant
Jesus Montano

Defendant Jesus Montano's Motion for Order of Assignment